

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 1-8-70

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
Sammie A. Riggs vs. British Commonwealth Corporation, a Texas corporation, James Lovell, W. N. Wray, Jr., and Ivan Hall		For plaintiff: Stan P. Doyle <i>932-4661</i> 1600 Fourth National Bank Building Tulsa, Okla. 74119 For defendant: Robert W. Ryan, Jr. Stroud & Smith 1407 Main Street, Suite 1300 Dallas, Texas 75202 William C. Anderson & Harry L. Seay III Doerner, Stuart, Saunders, Daniel & Langenkamp 1200 Atlas Life Bldg., Tulsa 74103 W. N. Wray, Jr. (self) P. O. Box 45582 Dallas, Texas 75245 <i>H930 - see file</i>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>12-1-69</i> <i>6-1-72</i>	Clerk	11-12-69	Doyle	15 00	
		11-13-69	C/D 21		15 00
		11-18-70	Doyle	5 00	
J.S. 6 mailed <i>3-1-71</i> <i>12-1-72</i>	Marshal	11-19-70	C/D 23		5 00
		2-16-71	Doyle	5 00	
Basis of Action: Recision of contract and damages	Docket fee	2-18-71	C.D.No. 37		5 00
	Witness fees	6-15-71	Doyle	5 00	
		6-17-71	C.D.No.55		5 00
Action arose at: Tulsa, Okla.	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-69	Complaint, filed. x summons issued x	
11-24-69	Return on service of summons filed. Served British Commonwealth Corp. by serving James Lovell, its Pres. and James Lovell in person at Dallas, Texas, on 11-19-69. Served W. N. Wray, Jr. at Dallas, Texas, on 11-19-69. Unexecuted as to Ivan Hall, in ND of Texas. \$16.60. ds	
12-29-69	Answer of deft. British Commonwealth Corporation, filed. m	
12-29-69	Answer of deft. James Lovell, filed. m	
12-29-69	Motion for more definite statement of deft. James Lovell, filed. m	
12-29-69	Motion for more definite statement of deft. British Commonwealth Corporation, filed. m	
1-5-70	First amended answer of defendant, British Commonwealth Corporation, filed. b	
1-7-70	Brief of defendants in support of motions for more definite statement, filed. e	
1-8-69	Demand For Jury Trial, filed, (Sammie A. Riggs). js	
1-12-70	Interrogatories of pltf. pursuant to Federal Rules of Civil Procedure No. 33, filed. m	
1-19-70	Original answer of the deft. W. N. Wray, Jr., filed. m	
1-19-70	Motion of deft. James Lovell for S/J, filed. m (with affidavit)	
1-19-70	Brief in support of motion of deft. James Lovell for S/J, filed. m	
1-22-70	Responses of Defendant British Commonwealth Corp., to interrogatories of plaintiff, filed. b	
1-23-70	Ordered by the Court that the defendant British Commonwealth Corp., a Texas Corporation, et al., file responses, with briefs to the plaintiff's application for restraining order and permanent injunction against the defendant British Commonwealth Corporation; and plaintiff's motion to require answers to interrogatories as propounded and in the form required by rule of court, within 10 days from date. (Allen E. Barrow - Judge) b	
1-23-70	Affidavit of default of W. N. Wray, Jr., filed. b	
1-23-70	Entry of default judgment by the Clerk of the Court as to defendant W. N. Wray, Jr., filed, and entered. b	
1-23-70	Demand for judgment against W. N. Wray, Jr., and brief in support thereof, filed. b	
1-23-70	Plaintiff's response to defendant Lovell's motion for summary judgment and brief in support thereof, filed. b	
1-23-70	Plaintiff's motion to require answers to interrogatories as propounded and in the form required by rule of court and brief in support thereof, filed. b	
1-23-70	Plaintiff's application for restraining order and permanent injunction against the defendant British Commonwealth Corporation and brief in support thereof, filed. b	
1-29-70	Order vacating default judgment against W. N. Wray, Jr., granted on January 23rd, 1970, filed. (Allen E. Barrow - Judge) b	
2-2-70	Response of defendant British Commonwealth corp. to plaintiff's application for restraining order and permanent injunction against the defendant British Commonwealth Corp. and brief in support thereof, filed. ds	
2-2-70	Reply of defendant James Lovell to response to defendant Lovell's motion for summary judgment and brief in support thereof, filed. ds	
2-2-70	Response of defendant British Commonwealth corp. to motion to require answers to interrogatories as propounded and in the form required by rule of court and brief in support thereof, filed. ds	
3-23-70	Motion of deft. British Commonwealth Corp. for leave to file counterclaim and brief in support thereof, filed. m	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-23-70	Ordered that pltf. respond with brief to deft. British Commonwealth Corp's motion for leave to file counterclaim, within 10 days. (AEB-J)m	
3-23-70	Order overruling motions for more definite statement of debts. British Commonwealth Corp. and James Lovell, filed. (AEB-J)m (copies mailed)	
3-26-70	Brief in response to deft. British Commonwealth Corporation, motion for leave to file counterclaim, filed. m	
3-26-70	Interrogatories of pltf. pursuant to Federal Rules of Civil Procedure No. 33, filed. m	
3-31-70	First amended answer of defendant, James Lovell, filed. ds	
3-31-70	Second amended answer of defendant British Commonwealth Corporation, filed. ds	
4-3-70	Order, granting leave to defendant, British Commonwealth Corp. to file counterclaim against plaintiff, filed. ds	
4-8-70	Counterclaim of defendant, Bristish Commonwealth corporation, filed. ds	
5-8-70	Order Overruling Plaintiff's Application for Restraining Order and Permanent Injunction filed. h	
5-15-70	Case called for hearing on motions. It is ordered that motion of defendant James Lovell for Summary Judgment overruled in part and sustained in part in that the Court will take that part under advisement. Plaintiff granted 10 days to prove false statement and prove jurisdiction. Plaintiff's motion to require answers to interrogatories as propounded and in the form required by rule of court, overruled. (AEB-J)h	
5-25-70	Plaintiff's response to answer of W. N. Wray, Jr., and application for an order compelling answers to interrogatories and other relief pursuant to F. R. C. P. 37, filed. b	
5-25-70	Plaintiff's brief in support of application to respond to answer of W. N. Wray, Jr., and to request an order to compel answers to interrogatories and relief pursuant to F.R.C.P. 37, filed. b	
8-4-70	Order directing W.N. Wray, Jr. to answer Interrogatories or show cause of plaintiff within 10 days of this date, filed. (AEB-J)v	
9-11-70	Notice to take depositions, filed. v	
9-16-70	Deft's Alternative motion for the Defts., British Commonwealth Corp. and James Lovell, for (1) Dismissal of this Cause for lack of Diversity Jurisdiction; (2) Rendering of Judgment on the Deft Lovell's Motion for Summary Judgment filed herein on January 19, 1970, orally argued on May 15, 1970; or (3) vacating of Notice to take Depositions filed herein by the Pltf on or about September 11, 1970. Filed. v	
9-16-70	Deft's Brief in Support of alternative motion, filed. v	
9-16-70	It is ordered by the Court that the Plft is granted 10 days from this date to respond to the Deft's Alternative Motion of the Deft. (AEB-J)v	
9-16-70	Return on non-service of writ, filed: W. N. Wray, Jr. not served with Order to answer interrogatories or show cause. (USM \$1.00)g	
9-18-70	Order of the Court that Defendants, British Commonwealth Corp. and James Lovell's Motion to Vacate notice of taking depositions is overruled with the proviso that a protective order is entered limiting the scope of discovery to matters relating to jurisdiction. (AEB-J)v	
9-24-70	Notice to take deposition of W. N. Wray, Sr., filed. m	
9-28-70	Return of Deposition Subpoena - Served Anne Austin, Tipp's Taco, Inc. by delivering to W. L. Locklier, in Dallas Texas on 9-14-70. Served Jack Burge in Dallas, Texas on 9-18-70. Return unexecuted on Pizza	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	Inns of America, Inc., British Commonwealth Corp., Alton Smith, C.P.A. James Lovell on 9-22-70.	
9-28-70	Response to Deft's British Commonwealth Corp and James Lovell's Alternative motions and request for sanctions under F.R.C.P. Number 37., filed. v	
10-19-70	Deposition of W. M. Wray, Sr. on behalf of plaintiff, filed. (\$45.00)g	
10-20-70	Hearing held. It is ordered that defendant Lovell's motion for summary judgment filed 1-19-70 is sustained; defendant's atty Robt Ryan to prepare proper order. Plaintiff granted additional 10 days in which to produce defendant Wray, Jr., or proof of residency.(AEB-J)h	
10-26-70	Memorandum filed by plaintiff. Filed. v	
10-26-70	Order granting motion of defendant James Lovell for summary judgment, filed and entered. (AEB-J) ds copies mailed to Anderson	
11-18-70	Plaintiff's Notice of Appeal from order dismissing action against James Lovell, filed. g (cpy to USCA and all counsel for defts.)	
11-18-70	Bond for costs on appeal, Sammie A. Riggs, principal, and Oklahoma Surety Co., surety, filed. g	
12-16-70	Transcript of hearing on motions on 5-15-70, filed. g	
12-16-70	Transcript of hearing on motions on 10-20-70, filed. g	
12-17-70	Application filed by the Plaintiff requesting extension of time. Filed. v	
12-18-70	Order granting plaintiff until 1-17-71 to docket appeal, filed. (AEB-J)g cpy to USCA & counsel.	
1-18-71	Application for extension of time to docket appeal, filed. g	
1-18-71	Order extending time to Feb. 16, 1971, to docket appeal, filed. cpies mailed to USCA & counsel. g	
2-4-71	Order dismissing cause of action and complaint, filed and entered. (AEB-J) ds copies mailed.	
2-16-71	Notice of appeal by plaintiff from order dismissing cause, filed. g cpies mailed. g	
2-16-71	Bond for costs on appeal, filed, Oklahoma Surety Co., surety. g	
2-16-71	Appeal record (original + 3 copies) sent to USCA, Denver. g	
5-7-71	Application to dismiss counterclaim of defendant, British Commonwealth Corporation, without prejudice, filed. ds	
5-17-71	C.C. of Order of USCA granting appellant's motion to consolidate the cases (appeals), and further granting appellant's motion to remand as cases lack a final appealable order, filed. g	
5-17-71	Order, filed and entered, dismissing counterclaim of defendant, British Commonwealth Corporation, without prejudice, with each party to bear its own costs. ds (AEB-J) copies mailed.	
5-17-71	Motion for determination and direction pursuant to Federal Rule of Civil Procedure 54(b) or disposition of counterclaim, filed. ds	
6-15-71	Notice of appeal by plaintiff, filed. g cpy to USCA & counsel.	
6-15-71	Bond on appeal - Oklahoma Surety Co., surety, filed. g	
7-21-71	Appeal record (4 vols) sent to USCA. (orig. + 3 cpies)g	
5-22-72	Mandate of USCA, 10th Circuit, reversing judgment of 2-4-71, filed and spread of record. g	
5-26-72	Parties directed to hold pre-trial prior to 7-10-72 and file pre-trial order not later than 7-18-72. (AEB-J)hm	
7-5-72	Appeal record (4 vols.) received from USCA. g	
9-6-72	Pltf's application for 30 day extension of time (to file PT order), filed. hm	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-11-72	Order, filed, that pltf's application for ext. of time to 10-5-72 to file pre-trial order is granted. (AEB-J)hm (copies mailed)	
10-5-72	Request for Determination of Jurisdiction and Request for Judgment as Sanction under Federal Rule of Civil Procedure 37, filed. v	
10-5-72	Memorandum in support, filed. v -order to Judge.	
10-11-72	Case set for hearing on motion for default as to defendant W.N. Wray, Jr. on Tuesday, Oct. 24, 1972 at 10:00 am. (AEB-J)h	
10-13-72	Notice of Hearing before Judge Barrow, set on 10-24-72, at 10:00 A.M., filed. v -mailed to W.N. Wray, Jr., & parties on docket.	
10-24-72	Case called for hearing on Motion for Default as to Deft. W.N. Wray, Jr. David Riggs stood in for Stan P. Doyle, for the Plaintiff. Court grants motion for default, and Orders are signed and filed in open court. (AEB-J)v	
10-24-72	Judgment, filed and entered. Ordered that the Pltf. have and recover from the Deft., W.N. Wray, Jr., the sum of \$17,750.00, together with his costs expended herein. (AEB-J)v	
10-24-72	Order, filed, that Judgment should be rendered against the Deft., W.N. Wray, Jr. for the sum of \$17,750.00, and costs of this action. (AEB-J)v	
11-17-72	Settlement Agreement, filed. v -order to Judge.	
11-22-72	Order of dismissal with prejudice, filed and entered. (AEB-J)rm - copies md.	

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Case settled
no more to be done
in the days

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